

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
September 13, 2017**

A meeting of the Town Council was held on Wednesday, September 13, 2017 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegrini, Robert Vallee. Councilors absent: Judith Pond Pfeffer. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

**CALL TO ORDER:** ► Chairman Kelly called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

► **MOTION to Designate** Councilor Glenn Jones as clerk pro tempore for the Town Council meeting of September 13, 2017 by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

**APPROVAL OF MINUTES: August 9, 2017.** ► **MOTION to Approve** the August 9, 2017 meeting minutes by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

**ANNOUNCEMENTS:** Chairman Kelly announced the meeting is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others.

**PROCLAMATIONS/RECOGNITIONS:** ► *Swearing in of Firefighters.* ■ Fire Chief Gary McCarraher introduced the department's two newest firefighter/paramedics, Brian Hamann and Matthew Starkey. He provided background and career information about Firefighters Hamann and Starkey. ■ Teresa Burr, Town Clerk, performed the swearing in. ■ Chairman Kelly welcomed the new firefighters. ■ Chief McCarraher stated the department has 46 line personnel and is in process of trying to get two more.

*Chairman Kelly called a two-minute recess.*

**CITIZEN COMMENTS:** ► Town Clerk Teresa Burr gave updates on important upcoming election dates. Election day is Tuesday, November 7, 2017 from 6:00 am to 8:00 pm. Candidates night is tentatively scheduled for Tuesday, October 17, 2017; more information will follow.

**APPOINTMENTS:** *None.*

**HEARINGS: Zoning Bylaw Amendment 17-795: Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I, in an Area on or near Union, Cottage and Saxon Streets.**

*Mr. Bissanti recused himself.*

► **MOTION to Open** the hearing by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **Chairman Kelly declared the hearing open.** ► Mr. Nutting stated this is a proposal to move some zoning lines that make more sense than the existing zoning that has been there for as long as anyone can remember. In many cases, the current zones split people's property in half and there is commercial land in residential land. They are proposing to redefine zoning lines so that the Mill Store is in business and Franklin Paint Store is in industrial as well as do away with Commercial II in that area because there is not a single lot that meets that criteria. He reviewed the map of the proposed zone cleanup. He noted that the Planning Board did not recommend this change. He thinks it is based on not having a parking requirement for the

CI zone. He stated that he thinks this zoning bylaw amendment should go forward as presented and the next Town Council, as part of their review, should consider the pros and cons of having a minimum parking requirement for CI. This has been an ongoing issue for over a decade. He recommended this move forward. ► Mr. Brent Bulock, 17 Wachusett Street, stated that it appears that the proposal includes rezoning a piece of property off Cottage Street from residential to commercial and asked why would this be done; there is currently a residential house on the lot. There are people trying to move to Franklin with little housing supply; he does not think that turning residential property to commercial would be in the best interest of Franklin. ► Mr. Nutting stated he thinks Mr. Bulock is talking about the south side of Cottage Street, lot 287-054 and -053. He stated the property owner made a written request to have the properties included in the zone. ► **MOTION to Close the hearing by Mercer. SECOND by Padula. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-1.** ► Mr. Nutting stated that the first reading is later in tonight's agenda. Two readings are required to adopt a zoning change.

*Mr. Bissanti re-entered the meeting.*

**LICENSE TRANSACTIONS:** ► *Ashadeep, Inc. d/b/a Union Street Wine & Liquors – Change in Officer/Director, Transfer of Stock.* ► Mr. Jones read the license transaction. ► **MOTION to Approve** the change in Officers/Directors to Mahendra Patel and Kanchan Patel, and the Transfer of Stock to Mahendra Patel and Kanchan Patel, for the Ashadeep, Inc. d/b/a/ Union Street Wine & Liquors All Alcoholic Beverages Package Store license by **Jones. SECOND by Mercer. Discussion:** ► Mr. Matthew Porter, Attorney representing Ashadeep, Inc., stated this is just an internal transfer of stock. He noted that Jack Patel, the president of Ashadeep, Inc., was present. He said that nothing is changing as far as the business is concerned; this is an ABCC requirement. He reviewed the underage sale issues in 2012 and 2013 in a store they owned in Harwich; they no longer own that store. ► Mr. Bissanti confirmed the applicant will be doing TIPS certification. ► **VOTE: Yes-8, No-0, Absent-1.**

► **99 Restaurant – Change in Officer/Director.** ► Mr. Jones read the license transaction. ► **MOTION to Approve** the Change of Officers/Directors for the 99 Restaurant of Boston LLC pursuant to the instructions sent by the ABCC by **Jones. SECOND by Mercer. Discussion:** ► Mr. Cerel stated this is a formality and there is really not a choice in approving it; it has no effect on the local operation. ► Mr. Nutting stated this is all being handled by the ABCC. ► Mr. Bissanti stated he thinks this local Franklin restaurant should have sent a manager to be present at this meeting even though it is a formality. ► Chairman Kelly stated he agrees with Mr. Bissanti. ► Mr. Mercer **Withdrew** his **SECOND.** ► Mr. Padula confirmed there is no choice and this has to be voted to be approved. ► Mr. Cerel stated this is a carry-over procedure; and therefore, it must be endorsed by the Town Council. ► **MOTION to Table** to the September 27, 2017 Town Council meeting at 7:10 PM, the Change of Officers/Directors for the 99 Restaurant of Boston LLC pursuant to the instructions sent by the ABCC by **Mercer. SECOND by Bissanti. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

**PRESENTATIONS/DISCUSSIONS:** ► *Franklin 4<sup>th</sup> of July Committee.* ► Mr. Paul Kortick, and Mr. Joe Carmignani, co-chairs of the 4<sup>th</sup> of July Coalition, addressed the Town Council and discussed the next 4<sup>th</sup> of July regarding logistics, scheduling, and the differences expected between this coming year and last year. They are going to do everything they can to bring back the fireworks; they have been speaking with American Thunder Fireworks, Inc. ► Mr. Nutting noted the co-chairs had a meeting with the police and fire departments working out the fireworks logistics tentatively scheduled for July 3, 2018. ► The co-chairs talked about how they can be reached and reviewed email addresses. ► Mr. Carmignani noted that paying for the fireworks and paying for the police and fire details is an extra \$45,000. They are doing fundraising for this, but may have to ask the Town to evaluate if they can provide some assistance to compensate for the police and fire details which are expected to be about \$20,000. ► Mr. Kortick reviewed the average profit and items that must be paid for. He said he believes they net about \$4,000-\$5,000. He reviewed donations such as by Garelick and the need for fundraising. ► Town Council

members thanked Mr. Kortick and Mr. Carmignani for taking this on especially at the last minute and for doing such a wonderful job. They also discussed collaborating with other events. ► Ms. Pellegri suggested thinking about possibly the Town helping this effort and putting aside some money for it in the budget. Some big supporters are needed to keep this going. ► Mr. Dellorco agreed with Ms. Pellegri about the Town trying to help out; fundraising is the hardest part. The fireworks will be held on the baseball field. ► Mr. Mercer recommended DPW be involved with location of the fireworks on the field. ► Chairman Kelly thanked Mr. Kortick and Mr. Carmignani for taking over and he thanked the previous coalition for all their hard work.

**SUBCOMMITTEE REPORTS:** *None.*

**LEGISLATION FOR ACTION:**

- 1. Resolution 17-52: Transfer of Two Town-Owned Parcels of Vacant Land to Care, Etc., of the Conservation Commission (Motion to Move Resolution 17-52 – 2/3 majority vote (6)).** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-52: Transfer of Two Town-Owned Parcels of Vacant Land to Care, Etc., of the Conservation Commission by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated the treasurer foreclosed on about 14 pieces of property. From his perspective, it only made sense to transfer two of those parcels to the Conservation Commission; one is on Brook Street at entrance into current conservation land, the other immediately abuts other conservation land. ► **VOTE: Yes-8, No-0, Absent-1.**
- 2. Resolution 17-53: Dissolution of Horace Mann Statue Committee. (Motion to Move Resolution 17-53 – majority vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-53: Dissolution of Horace Mann Statue Committee by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this is just a formality. ► Town Council members stated a great job was done by the committee. ► Ms. Pellegri stated everyone worked well together and she thanked all those who helped. ► **VOTE: Yes-8, No-0, Absent-1.**
- 3. Resolution 17-54: Franklin Green Community Designation. (Motion to Move Resolution 17-54 – majority vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-54: Franklin Green Community Designation by Mercer. SECOND by Padula. Discussion:** ► Mr. Hellen stated that they are requesting the Town Council approve two resolutions tonight that will allow the Town to apply to be designated as a Green Community by the Commonwealth. Combined with previous actions by the Town, these two resolutions achieve all five criteria outlined by the state to become a certified Green Community. Once designated as a Green Community, the Town will receive approximately \$200,000 grant award which would be used to assist in paying for the LED streetlight retrofit. He thanked those who worked hard to put these pieces together for the Town. He introduced Ms. Kelly Brown from Mass. Department of Energy Resources who oversees the Green Community Program. ► Ms. Brown explained that more than \$80 million has been given out in grant funding over the past seven years for projects. She reviewed other towns that have received grant funding. ► Mr. Gus Brown, Building Commissioner, reviewed the stretch energy code as codified by the Board of Building Regulations and Standards. He stated that this code has been adopted by many communities in the area. ► Mr. Hellen explained the plan to slowly over time replace old vehicles in the Town's fleet with energy efficient vehicles. ► Mr. Nutting stated he thinks this is a great idea for the Town. ► Chairman Kelly stated he is a cynic, although he would vote Yes for this. He thinks it will cost people building a house in Franklin more money and he is worried about buying electric cars. He sees this will be a capital item for needing hubs or ports in front of buildings. ► **VOTE: Yes-8, No-0, Absent-1.**

4. **Bylaw Amendment 17-796: Chapter 63, Buildings, Numbering of – 1<sup>st</sup> Reading. (Motion to Move Bylaw Amendment 17-796 to a 2<sup>nd</sup> Reading – majority vote (5)).** ► Mr. Jones read the bylaw amendment. ► **MOTION to Move Bylaw Amendment 17-796: Chapter 63, Buildings, Numbering of, to a 2<sup>nd</sup> Reading by Mercer. SECOND by Padula. Discussion:** ► Mr. Hellen stated this was just talked about. ► **VOTE: Yes-8, No-0, Absent-1.**
5. **Zoning Bylaw Amendment 17-795R: Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I, in an Area on or near Union, Cottage and Saxon Streets – 1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 17-795R to a 2<sup>nd</sup> Reading - majority vote (5)).**

*Mr. Bissanti recused himself.*

► **MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 17-795R: Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I, in an Area on or near Union, Cottage and Saxon Streets to a 2<sup>nd</sup> reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-1.**

*Mr. Bissanti re-entered the meeting.*

6. **Zoning Bylaw Amendment 17-797: Setbacks for Accessory Buildings and Structures – Referral to the Planning Board. (Motion to Refer Zoning Bylaw Amendment 17-797 to the Planning Board – majority vote (5)).** ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Refer Zoning Bylaw Amendment 17-797: Setbacks for Accessory Buildings and Structures to the Planning Board by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated this is to clean up language with conflicting 10 ft. or 15 ft. setbacks; the bylaw conflicts with itself. This would make it a consistent 10 ft. ► Mr. Brown stated this is just a discrepancy in the definitions. This makes a lot of sense with 10 ft. across the board. He explained that another bylaw is also included in the definition regarding the height of the structure which requires it to be that distance away from the setback and overrules this bylaw. ► Mr. Padula thanked Mr. Brown for all his hard work. ► **VOTE: Yes-8, No-0, Absent-1.**

**TOWN ADMINISTRATOR’S REPORT:** ► **Update on Town Council Goals.** ► Mr. Nutting stated he had provided in the Town Council members’ packets a status update of the two-year goals established by the Town Council as traditionally set after elections. These were the goals and suggestions determined in the Town Council Workshop in January 2016. He would expect that after this election the Town Council would be doing this again in January 2018.

**FUTURE AGENDA ITEMS:** *None.*

**COUNCIL COMMENTS:** ► Mr. Dellorco gave condolences to the Nasuti family for their loss. Harvey Nasuti was a great man and will be missed. ► Mr. Bissanti gave condolences to the Nasuti family. He stated the Elks did a great job on their flag display and thanked them. ► Mr. Jones thanked everyone that came out for the swearing in of the firefighters. ► Ms. Pellegrini stated her thoughts and prayers are with Houston, Florida and the islands. She wondered if there is something that can be done to help by Franklin. She said she would talk to Mr. Nutting about this. ► Mr. Padula gave condolences to the Nasuti family. He mentioned all those still without power in Florida. ► Mr. Mercer and Mr. Vallee offered condolences to the Nasuti family. ► Chairman Kelly gave condolences to the Nasuti family and Carlucci family.

**EXECUTIVE SESSION:** *None.*

**ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 8:27 PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary